

MAGISTRATE JUDGE GRADY J LEUPOLD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	No. MJ24-5096
)	
Plaintiff,)	Charging District's Case No.
)	3:24-cr-00093-HZ-2
v.)	
)	WAIVER OF RULE 5(c)(3)(D) HEARING
NATHANIEL CHENEY,)	AND ORDER OF TRANSFER
)	
Defendant.)	

I, NATHANIEL CHENEY, have appeared before a United States Magistrate Judge in the Western District of Washington, and understand there is an indictment, information, complaint, or warrant pending in another district, the District of Oregon, at Portland. I have been informed of the nature of the proceeding in the other district and of my rights:

- (1) **Counsel:** I have the right to the effective assistance of counsel, which includes the right to:
 - a. the appointment of counsel at no cost if I am unable to afford counsel; and
 - b. retain counsel of choice;
- (2) **Identity Hearing:** I have a right to an identity hearing to determine whether I am the person named in the indictment, information, complaint, or warrant;
- (3) **Warrant Production:** I have a right to the production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;

1 (4) **Preliminary Hearing:** Unless an indictment is filed, I have a right to a preliminary
2 hearing to determine whether there is probable cause to believe that an offense has
3 been committed and that I committed the alleged offense.

4 (5) **Release or Detention Hearing:**

5 a. Personal Recognizance. I may be released on my personal recognizance or
6 unsecured bond unless a judicial officer determines that such release will not
7 reasonably assure my appearance as required or will endanger the safety of
8 any other person or the community;

9 b. Least Restrictive Conditions. I may be released subject to the least
10 restrictive additional condition or combination of conditions that the judicial
11 officer determines are necessary to reasonably assure my appearance as
12 required and the safety of any other person and the community; or

13 c. Detention Hearing. If the government moves for detention, and that hearing
14 is authorized by 18 U.S.C. § 3142(f), then I have a right to a hearing where a
15 judicial officer will determine whether there is no condition or combination
16 of conditions that will reasonably assure my appearance as required and the
17 safety of any other person and the community; and

18 (6) **Transfer:** I may request transfer of the proceedings to this district to plead guilty
19 and be sentenced under Fed. R. Crim. P. 20. The United States Attorneys in both
20 districts must also approve the transfer in writing.

21 I agree to waive my right(s) to:

22 an identity hearing and production of the warrant.

23 a preliminary hearing in this district.

24 a detention hearing in this district.

1 I consent to the issuance of an order directing me to appear and answer in said district
2 where the charges are pending.

3 DATED this 2nd day of April, 2024.

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5 
6 Defense Counsel


5 
6 Defendant

7 **ORDER OF TRANSFER**

8 Based on the foregoing Waiver, it is hereby ORDERED that the further proceedings in
9 this case shall be conducted in the U. S. District Court for the District of Oregon at Portland.
10 The Clerk of this Court shall forthwith transmit to the Clerk in said district the records of
11 proceedings conducted in this district. Unless the defendant is released on bond, the U.S.
12 Marshal is directed to transport defendant as promptly as possible to that district.

13 If released, the defendant is directed to appear in that district for further proceedings at
14 the time and place specified on the bond, or as otherwise directed by court order.

15 DATED this 2nd day of April, 2024.

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18 GRADY J. LEUPOLD
19 UNITED STATES MAGISTRATE JUDGE
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